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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 16, 2024

SEAN F. MCVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:23-CR-06016-SAB-1

Plaintiff,

ORDER DENYING DEFENDANT'S
MOTION TO MODIFY CONDITIONS
OF RELEASE

v.

CHRISTIAN ESPINDOLA,

ECF No. 29

Defendant.

On Monday, December 18, 2023, the Court conducted a hearing on Defendant's Motion to Modify Conditions of Release (ECF No. 29). Defendant was represented by Assistant Federal Defender Alex B. Hernandez III. Assistant United States Attorney Todd Swensen represented the United States.

Defendant requests that the Court modify Special Condition Nos. 3, 8, and 9 so that he may communicate with Kimberly Delgado and no longer participate in GPS monitoring. ECF No. 29. The United States Attorney's Office and the United States Probation/Pretrial Services Office both object to Defendant's request. *Id.*

ORDER - 1

1 The Court released Defendant following a detention hearing on May 5,
2 2023, but noted

3 Defendant is charged with being a felon in possession of a firearm and
4 ammunition. Specifically, it is alleged that on March 23, 2023, Pasco
5 Police responded to a report of loud banging and screaming coming
6 from Defendant's apartment. Upon arrival, *officers could hear
7 Defendant's girlfriend screaming, and she thereafter informed the
8 officers that she and Defendant had been arguing all day, culminating
9 in her decision to leave the apartment. At that time, however,
10 Defendant blocked her vehicle with his pickup truck, preventing her
11 from leaving.* At some point during the investigation, Defendant
12 emerged from a broken window, through which officers observed an
13 AR-15 style rifle and accompanying box of ammunition. Officers
14 also observed an additional box of ammunition through the rear
15 window of Defendant's truck. *After obtaining a search warrant,
16 officers seized a Palmetto Armory AR-15 style rifle with a fully-loaded
17 40-round magazine, multiple AR-15 magazines and ammunition, and
18 an additional high-capacity magazine.* The 40-round magazine is a
19 dangerous novelty, as it renders the rifle unwieldy and serves no
20 discernible tactical or sporting purpose. The Court notes that these
items were seized and this indictment returned while Defendant was
under conditions of probation that he received on his prior federal
conviction.

21 ECF No. 21 at 3 (emphasis added). In light of Defendant's attempts to block Ms.
22 Delgado's vehicle and his possession of an AR-15 rifle with a 40-round
23 magazine—the latter being an unwieldy accessory that virtually eliminates any
24 practical or lawful use for the rifle—the Court still harbors concerns regarding
25 community safety in general, as well as an acute concern for the safety of Ms.
26 Delgado. Furthermore, given Defendant's pretrial and probation violations, the
27 Court believes that GPS monitoring is necessary to insure Defendant's continued

1 compliance with the conditions of his release in this matter. *See* Case No. 4:20-cr-
2 06022-SAB-1, ECF Nos. 41, 48, 67, 79, 87.

3 Accordingly, **IT IS ORDERED:**

4 1. Defendant's Motion to Modify Conditions of Release (**ECF No. 29**) is
5 **DENIED.**

6 **IT IS SO ORDERED.**

7 DATED January 16, 2024.



8 A handwritten signature in blue ink that reads "Alexander C. Ekstrom".

9 _____
10 ALEXANDER C. EKSTROM

11 _____
12 UNITED STATES MAGISTRATE JUDGE